

MAR 19 1997

Mr. Jeff Nielsen  
Director of Operations  
Pennfield Animal Health  
14040 Industrial Road  
Omaha, NE 68144

Dear Mr. Nielsen:

RE: Pennfield Animal Health  
Omaha, Nebraska  
EPA RCRA ID No. NER000000448

On November 6, 1996, a representative of the U. S. Environmental Protection Agency (EPA) inspected the referenced facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

A Notice of Violation (NOV) was issued to your company during the inspection. My staff has reviewed your December 19, 1996, response to the NOV and has determined that no further submittals are required at this time. Please note that EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of this inspection.

Information obtained during the November 1996 EPA inspection of your facility indicates that prior to August of 1995, Pennfield was treating and/or disposing of laboratory hazardous waste by allowing it to evaporate. In correspondence dated December 19, 1996, Mr. Kelly Dahl, legal counsel representing the law firm Baird, Holm, McEachen, Pedersen, Hamann, and Strasheim, indicated that it is Pennfield's assertion that there should have been no NOV issued regarding treatment by evaporation. EPA maintains that this NOV citation was in fact appropriate. Treatment or disposal of hazardous waste without a permit, as described above, is illegal, pursuant to Section 3005 of RCRA.

We would like to remind you that your facility is responsible for maintaining compliance with all applicable hazardous waste regulations. We encourage you to contact the Nebraska Department of Environmental Quality (NDEQ) at (402)471-4217 to obtain a copy of their

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RCRA Records Center

hazardous waste regulations. If you have any questions about those regulations, contact the NDEQ RCRA staff at that same number.

Please direct any questions concerning this letter to Bill Gresham, of my staff, at (913) 551-7804.

Sincerely,

JoAnn M. Heiman  
Chief  
RCRA Permits and Compliance Branch  
Air, RCRA, and Toxics Division

cc: Bill Gidley, NDEQ



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
726 MINNESOTA AVENUE  
KANSAS CITY, KANSAS 66101

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Sincerely,

A handwritten signature in cursive script, reading "JoAnn M. Heiman".

JoAnn M. Heiman

Chief

RCRA Permits and Compliance Branch  
Air, RCRA, and Toxics Division

cc: Bill Gidley, NDEQ